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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3-10-70821 BZ
Plaintiff,)	
v.)	STIPULATION AND PROPOSED ORDER
)	CONTINUING DATE FOR PRELIMINARY
MIGUEL LOPEZ,)	HEARING OR INDICTMENT FROM
a/k/a Benito MARTINEZ)	OCTOBER 1, 2010 TO OCTOBER 8, 2010
a/k/a Jorge LOSANO)	UNDER FED. R. CRIM. P. 5.1 AND
Defendant.)	EXCLUDING TIME UNDER 18 U.S.C. § 3161

STIPULATION

Defendant's next appearance on the duty calendar for preliminary hearing or arraignment is scheduled for October 1, 2010. The parties now request that the Court continue the date to October 8, 2010 in order that the parties may try to reach a pre-indictment resolution of the case before that time. The parties thus request that pursuant to Federal Rule of Criminal Procedure 5.1(d), the time limits set forth in Rule 5.1(c) be extended through October 8, 2010. The parties agree that, taking into account the public interest in prompt disposition of criminal cases, good cause exists for this extension.

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The parties also agree to exclude for this period of time any time limits applicable under 18 U.S.C. § 3161. The parties agree that the continuance represents the reasonable time necessary for effective preparation of counsel. 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED: MELINDA HAAG
United States Attorney

DATED: September 28, 2010 /s/
LOWELL POWELL
Special Assistant United States Attorney

DATED: September 27, 2010 /s/
SHAWN HALBERT
Assistant Federal Public Defender

[PROPOSED] ORDER

For the reasons stated above, the Court finds that taking into account the public interest in prompt disposition of criminal cases, good cause exists for the continuance of time for the defendant's preliminary hearing or arraignment from October 1, 2010 to October 8, 2010 in light of the facts contained in the stipulation of the parties. Fed. R. Crim. P. 5.1(d). Further, the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161 (h)(7)(A) as the failure to grant the requested continuance would deny the defendant effective preparation of counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

SO ORDERED.

DATED 28 Sept '10


BERNARD ZIMMERMAN
United States Magistrate Judge